

"EXPRESS MAIL" Mailing Label No. EV360019311US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Susan DeGroot et al.	)	SEA0820P1142US (SC-176 2 <sup>nd</sup> Cont.)
		)	
Serial No.:	Not Yet Designated	)	
(Continuation of Serial No. 10/115,188		)	
filed April 2, 2002)		)	
		)	
Filed:	Concurrently Herewith	)	
		)	Group Art Unit:
For:	DISPENSING CLOSURE FOR	)	Not Yet Designated
	SPREADABLE PRODUCT	)	
		)	
Examiner:	Not Yet Designated	)	

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97, the art identified on the attached form PTO/SB/08A and other matters discussed below may be helpful to the Patent Office in its examination of the application identified above.

COPIES OF PREVIOUSLY CITED PRIOR ART DOCUMENTS

Pursuant to 37 C.F.R. §1.98(d), copies of the previously identified prior art documents are not enclosed herewith because all were either (1) cited by the Examiner in at least one of the following identified prior applications of which priority is claimed pursuant to 35 U.S.C. §120, or (2) previously submitted to the Patent and Trademark Office in an Information Disclosure Statement complying with 37 C.F.R. §1.98(a)-(c) in one or more of the following identified prior applications of which priority is claimed pursuant to 35 U.S.C. §120:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>
1. 09/591,576	6/9/2000	Dispensing Closure For Spreadable Product	Susan DeGroot, Cori Blomdahl David S. Pozgay
2. 10/115,188	4/2/2002	Dispensing Closure For Spreadable Product	Susan DeGroot, Cori Blomdahl David S. Pozgay

**RELATED CO-PENDING APPLICATION  
AND ABANDONED ANCESTOR APPLICATION**

In accordance with 37 C.F.R. §1.97 and §1.98 and MPEP 2001.06(b), attention is directed to the co-pending commonly assigned parent application Serial No. 10/115,188 as being of potential interest in the examination of the subject application. Pursuant to 37 C.F.R. §1.98(a)(2)(iii), a copy of the co-pending application is enclosed. The parent application Serial No. 10/115,188 is entitled "Dispensing Closure For Spreadable Product" and was filed by inventors Susan DeGroot, Cori M. Blomdahl, and David S. Pozgay on April 2, 2002.

Attention is also directed to the now-abandoned grandparent U.S. patent application Serial No. 09/591,576 entitled "Dispensing Closure For Spreadable Product," filed June 9, 2000 by inventors Susan DeGroot, Cori Blomdahl, and David S. Pozgay. The prior art of record in the grandparent application Serial No. 09/591,576 is included in the prior art of record in the parent application Serial No. 10/115,188.

Enclosed is (1) a copy of the Notice Of References Cited form PTO-892 issued in the above-identified co-pending parent application Serial No. 10/155,188, and (2) a copy of the Information Disclosure Statement citation Form PTO/SB/08A

filed in the above-identified co-pending parent application Serial No. 10/115,188 as initialed by the Examiner.

COMMENTS ON PRIOR ART,  
INCLUDING NON-ENGLISH LANGUAGE CITATIONS

The Examiner is invited to consider the explanations of various prior art, including FR 27 90454, as set forth in the Information Disclosure Statement filed in the grandparent application Serial No. 09/591,576.

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The order of listing of the art on the attached Form PTO-1449 should not be construed as an indication of the importance of the listed art.

The Patent and Trademark Office Examiner is requested to review the art and determine the extent of the materiality of the disclosures thereof with respect to the patentability of the subject invention. It is expected that the Patent and Trademark Office Examiner will independently conduct a complete search for relevant prior art.

Citation of any art herein is not to be construed as an admission: (a) that the art disclosure is, or is considered to be, necessarily within the invention field of endeavor, pertinent to the instant invention, or equivalent to the instant invention; (b) that the art disclosure is, or is considered to be, necessarily prior in time to a particular date which may be relevant in the instant patent application; (c) that the art disclosure is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and/or (d) that the art disclosure is otherwise necessarily prior art with respect to the instant invention and application. [See 37 C.F.R. §1.97(g).]

No inference should be drawn that the discussion of any art herein is a discussion of each and every feature disclosed therein.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosures of any document or other art, including the disclosures of the art cited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Respectfully submitted,

By:   
Paul M. Odell, Reg. No. 28,332

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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Chicago, Illinois 60661-2511  
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October 3, 2003

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Comparable to Form PTO/SB/08A (10-96)

Approved for use through 10/31/1999. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Application Number		Not Yet Designated	
				Filing Date		Concurrently Herewith	
				First Named Inventor		Susan DeGroot et al.	
				Group Art Unit		Not Yet Designated	
				Examiner Name		Not Yet Designated	
Sheet	1	of	2	Attorney Docket No.		SEA0820P1142US (SC-176 2nd Cont.)	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		D 136,098		Hartman	08/1943	
		2,851,203		Nowak	09/1958	
		4,735,334		Abbott	04/1988	
		5,381,935		Moch	01/1994	
		6,510,971		Martin	01/2003	

FOREIGN PATENT DOCUMENTS								
Examiner Initials'	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		FR	2,790,454	A1	Ferrario	09/2000		
		CA	976,113		The Metal Box	10/1975		
		GB	2,224,309	A	BXL Plastics	5/1990		
Examiner Signature						Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standards ST.16, if possible.

<sup>6</sup> Applicant is to place a checkmark here if English language Translation is attached.

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Sheet	2	of	2	Attorney Docket No.	SEA0820P1142US (SC-176 2 <sup>nd</sup> Cont.)

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Copy of prior patent application Serial No. 10/115,188	
		Copy of Form PTO/SB/08A (as initialed by Examiner) from I.D.S. in prior application Serial No. 10/115,188	
		Copy of Form PTO-892 from prior application Serial No. 10/115,188	
		Advertizing sheets of Aquila	
Examiner Signature		Date Considered	

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